

# Order

## Of the Bar Harbor Town Council

### For the June 13, 2017 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

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### Warrant Article

**Article 6 - LAND USE ORDINANCE AMENDMENT – Parking Garage - Bar Harbor Gateway district –** Shall an Ordinance dated December 21, 2016 and entitled “An amendment to define the use “parking garage” and to restore parking garage use permitted by Planning Board site plan review to the Bar Harbor Gateway district also subject to Design Review Board Certificate of Appropriateness in the Land Use Ordinance” be enacted?

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### Parking Garage

**An amendment to define the use “parking garage” and add parking garage use, to the Bar Harbor Gateway district.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

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### ARTICLE III Land Use Activities and Standards

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#### **§ 125-17 Bar Harbor Gateway.**

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.

[Amended 6-14-2011]

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed.

Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking garage, also subject to Design Review Board Certificate of Appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

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### ARTICLE XII Construction and Definitions

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#### § 125-109 Definitions.

The following terms shall have the following meanings:

~~GARAGE, COMMERCIAL~~ PARKING GARAGE – As a principal use, a A multi-story structure used for parking vehicles or storage of automobiles, generally available to the public, and involving payment of a charge either public or private, either self-service or valet, for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a ~~commercial parking~~ garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

**EXPLANATION:** This warrant article defines the use “parking garage” and restores parking garage use approved by Planning Board Site Plan review in the Bar Harbor Gateway district. The warrant article also requires Design Review Board Certificate of Appropriateness for parking garage use. The parking garage use was permitted in this location prior to the adoption of the current zoning in 2010. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

Given under our hands and seal at Bar Harbor this seventh day of March 2017.

## **Municipal Officers of the Town of Bar Harbor**

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Paul A. Paradis, Chair

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Gary Friedmann, Vice Chair

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Peter St. Germain

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Anne R. Greenlee

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Burt O. Barker

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Matthew A. Hochman

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J. Clark Stivers

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# Order

## Of the Bar Harbor Town Council

### For the June 13, 2017 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

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### Warrant Article

**Article 7 - LAND USE ORDINANCE AMENDMENT – Parking Garage - Downtown Village I district** – Shall an Ordinance dated December 21, 2016 and entitled “An amendment to define the use “parking garage” and to restore parking garage use allowed by Planning Board site plan review to the Downtown Village I district in the Land Use Ordinance” be enacted?

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### Parking Garage

**An amendment to define the use “parking garage” and to add parking garage use, to the Downtown Village I district.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

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### ARTICLE III Land Use Activities and Standards

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#### § 125-21 Downtown Village I.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

[Amended 11-5-2013; 6-14-2016]

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking garage; road construction; automobile sales lot; automobile repair garage; retirement community.

[Amended 6-14-2016]

(3) Uses allowed by conditional use permit: public utility facility.

[Added 6-9-2015]

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

### ARTICLE XII Construction and Definitions

#### § 125-109 Definitions.

The following terms shall have the following meanings:

~~GARAGE, COMMERCIAL~~ PARKING GARAGE – As a principal use, a A multi-story structure used for parking vehicles or storage of automobiles, generally available to the public, and involving payment of a charge either public or private, either self-service or valet, for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a ~~commercial parking~~ garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

**EXPLANATION:** This warrant article defines the use “parking garage” and restores parking garage use approved by Planning Board Site Plan review in the Downtown Village I district. The parking garage use was permitted in this location prior to the adoption of the current zoning in 2010. Parking garages are considered a tool to accommodate parking with reduced lot coverage. (Most non-residential uses, including a parking garage currently require Design Review Board Certificate of Appropriateness in this district).

Given under our hands and seal at Bar Harbor this seventh day of March 2017.

## **Municipal Officers of the Town of Bar Harbor**

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Paul A. Paradis, Chair

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Gary Friedmann, Vice Chair

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Peter St. Germain

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Anne R. Greenlee

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Burt O. Barker

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Matthew A. Hochman

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J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 13, 2017 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

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### Warrant Article

**Article 8 - LAND USE ORDINANCE AMENDMENT – Parking Garage - Downtown Village II district –** Shall an Ordinance dated December 21, 2016 and entitled “An amendment to define the use “parking garage” and to restore parking garage use allowed by Planning Board site plan review to the Downtown Village II district in the Land Use Ordinance” be enacted?

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### Parking Garage

**An amendment to define the use “parking garage” and to add parking garage use, to the Downtown Village II district.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

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### ARTICLE III Land Use Activities and Standards

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#### § 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

[Amended 6-14-2016]

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking garage; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community.

[Amended 6-14-2016]

(3) Uses allowed only by conditional use permit: public utility facility.

[Added 6-9-2015]

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

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### ARTICLE XII Construction and Definitions

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#### § 125-109 Definitions.

The following terms shall have the following meanings:

~~GARAGE, COMMERCIAL~~ PARKING GARAGE – As a principal use, a ~~A multi-story~~ structure used for parking vehicles ~~or storage of automobiles, generally available to the public, and involving payment of a charge either public or private, either self-service or valet,~~ for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a ~~commercial parking~~ garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

**EXPLANATION:** This warrant article defines the use “parking garage” and restores parking garage use approved by Planning Board Site Plan review in the Downtown Village II district. The parking garage use was permitted in this location prior to the adoption of the current zoning in 2010. Parking garages are considered a tool to accommodate parking with reduced lot coverage. (Most non-residential uses, including a parking garage currently require Design Review Board Certificate of Appropriateness in this district).

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Given under our hands and seal at Bar Harbor this seventh day of March 2017.

## **Municipal Officers of the Town of Bar Harbor**

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Paul A. Paradis, Chair

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Gary Friedmann, Vice Chair

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Peter St. Germain

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Anne R. Greenlee

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Burt O. Barker

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Matthew A. Hochman

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J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 13, 2017 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

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### Warrant Article

**Article 9 - LAND USE ORDINANCE AMENDMENT – Parking Garage - Educational Institutional district –**  
Shall an Ordinance dated December 21, 2016 and entitled “An amendment to define the use “parking garage” and to add parking garage use by Planning Board site plan review to the Educational Institutional district also subject to Design Review Board Certificate of Appropriateness in the Land Use Ordinance” be enacted?

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### Parking Garage

**An amendment to define the use “parking garage” and to add parking garage use, to the Educational Institutional district.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

### APPENDIX C, Table of Permitted Uses

	Downtown Residential	Educational Institution	Emery	Hulls Cove Business	Hulls Cove Residential Corridor	Hulls Cove Rural	Indian Point Residential	Indian Point Rural	Industrial	Ireson Hill Corridor	Ireson Hill Residential	McFarland Hill Residential	McFarland Hill Rural	Marine Research	Otter Creek
Parking garage and parking lot	b														
<u>Parking garage, also subject to Design Review Board Certificate of Appropriateness</u>		b													
	Resource Protection	Salisbury Cove Corridor	Salisbury Cove Residential	Salisbury Cove Rural	Salisbury Cove Village	Schooner Head	Scientific Research	Shoreland General Development I	Shoreland General Development II	Shoreland Limited Residential	Stream Protection	Town Hill Business	Town Hill Residential Corridor	Town Hill Residential	Town Hill Rural
Parking garage and parking lot												b			
<u>Parking garage, also subject to Design Review Board Certificate of Appropriateness</u>															

#### Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)

*b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]*

*blank space = activity prohibited.*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

### ARTICLE XII Construction and Definitions

#### § 125-109 Definitions.

The following terms shall have the following meanings:

~~GARAGE, COMMERCIAL PARKING GARAGE~~ – As a principal use, a ~~A~~ multi-story structure used for parking vehicles or storage of automobiles, generally available to the public, and involving payment of a charge either public or private, either self-service or valet, for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a ~~commercial parking~~ garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

**EXPLANATION:** This warrant article defines the use “parking garage” and adds parking garage use approved by Planning Board Site Plan review in the Educational Institutional district. The warrant article also requires Design Review Board Certificate of Appropriateness for parking garage use. The Educational Institutional district is in the area of College of the Atlantic. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

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Given under our hands and seal at Bar Harbor this seventh day of March 2017.

## Municipal Officers of the Town of Bar Harbor

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Paul A. Paradis, Chair

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Gary Friedmann, Vice Chair

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Peter St. Germain

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Anne R. Greenlee

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Burt O. Barker

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Matthew A. Hochman

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J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 13, 2017 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

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### Warrant Article

**Article 10 - LAND USE ORDINANCE AMENDMENT – Parking Garage - Marine Research district –** Shall an Ordinance dated December 21, 2016 and entitled “An amendment to define the use “parking garage” and to add parking garage use by Planning Board site plan review to the Marine Research district also subject to Design Review Board Certificate of Appropriateness in the Land Use Ordinance” be enacted?

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### Parking Garage

**An amendment to define the use “parking garage” and to add parking garage use, to the Marine Research district.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

### APPENDIX C, Table of Permitted Uses

	Downtown Residential	Educational Institution	Emery	Hulls Cove Business	Hulls Cove Residential Corridor	Hulls Cove Rural	Indian Point Residential	Indian Point Rural	Industrial	Ireson Hill Corridor	Ireson Hill Residential	McFarland Hill Residential	McFarland Hill Rural	Marine Research	Otter Creek
<u>Parking garage and parking lot</u>	b														
<u>Parking garage, also subject to Design Review Board Certificate of Appropriateness</u>														b	
	Resource Protection	Salisbury Cove Corridor	Salisbury Cove Residential	Salisbury Cove Rural	Salisbury Cove Village	Schooner Head	Scientific Research	Shoreland General Development I	Shoreland General Development II	Shoreland Limited Residential	Stream Protection	Town Hill Business	Town Hill Residential Corridor	Town Hill Residential	Town Hill Rural
<u>Parking garage and parking lot</u>												b			
<u>Parking garage, also subject to Design Review Board Certificate of Appropriateness</u>															

#### Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)

*b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]*

*blank space = activity prohibited.*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

### ARTICLE XII Construction and Definitions

#### § 125-109 Definitions.

The following terms shall have the following meanings:

GARAGE, COMMERCIAL PARKING GARAGE – As a principal use, a ~~A~~ multi-story structure used for parking vehicles ~~or storage of automobiles, generally available to the public, and involving payment of a charge~~

either public or private, either self-service or valet, for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a ~~commercial~~ parking garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

**EXPLANATION:** This warrant article defines the use “parking garage” and adds parking garage use approved by Planning Board Site Plan review in the Marine Research district. The warrant article also requires Design Review Board Certificate of Appropriateness for parking garage use. The Marine Research district is in the area of MDI Biological Laboratory. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

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Given under our hands and seal at Bar Harbor this seventh day of March 2017.

## **Municipal Officers of the Town of Bar Harbor**

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Paul A. Paradis, Chair

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Gary Friedmann, Vice Chair

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Peter St. Germain

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Anne R. Greenlee

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Burt O. Barker

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Matthew A. Hochman

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J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 13, 2017 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

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### Warrant Article

**Article 11 - LAND USE ORDINANCE AMENDMENT – Parking Garage - Scientific Research for Eleemosynary Purpose district** – Shall an Ordinance dated December 21, 2016 and entitled “An amendment to define the use “parking garage” and to add parking garage use by Planning Board site plan review to the Scientific Research for Eleemosynary Purpose district also subject to Design Review Board Certificate of Appropriateness in the Land Use Ordinance” be enacted?

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### Parking Garage

**An amendment to define the use “parking garage” and to add parking garage use, to the Scientific Research for Eleemosynary Purpose district.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*



[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

### APPENDIX C, Table of Permitted Uses

	Downtown Residential	Educational Institution	Emery	Hulls Cove Business	Hulls Cove Residential Corridor	Hulls Cove Rural	Indian Point Residential	Indian Point Rural	Industrial	Ireson Hill Corridor	Ireson Hill Residential	McFarland Hill Residential	McFarland Hill Rural	Marine Research	Otter Creek
<u>Parking garage and parking lot</u>	b														
<u>Parking garage, also subject to Design Review Board Certificate of Appropriateness</u>															
	Resource Protection	Salisbury Cove Corridor	Salisbury Cove Residential	Salisbury Cove Rural	Salisbury Cove Village	Schooner Head	Scientific Research	Shoreland General Development I	Shoreland General Development II	Shoreland Limited Residential	Stream Protection	Town Hill Business	Town Hill Residential Corridor	Town Hill Residential	Town Hill Rural
<u>Parking garage and parking lot</u>												b			
<u>Parking garage, also subject to Design Review Board Certificate of Appropriateness</u>							b								

#### Appendix C Table of Permitted Uses, Key to Appendix C - Permissibility of Use (Excerpt)

*b = Activity or structure requires approval through site plan review process before it may be commenced or built. [Amended 5-5-2003]*

*blank space = activity prohibited.*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

### ARTICLE XII Construction and Definitions

#### § 125-109 Definitions.

The following terms shall have the following meanings:

GARAGE, COMMERCIAL PARKING GARAGE – As a principal use, a A multi-story structure used for parking vehicles ~~or storage of automobiles, generally available to the public, and involving payment of a charge~~

either public or private, either self-service or valet, for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a ~~commercial~~ parking garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

**EXPLANATION:** This warrant article defines the use “parking garage” and adds parking garage use by Planning Board site plan review to the Scientific Research for Eleemosynary Purposes district. The warrant article also requires Design Review Board Certificate of Appropriateness for parking garage use. The Scientific Research district is in the area of The Jackson Laboratory. Parking garages are considered a tool to accommodate parking with reduced lot coverage.

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Given under our hands and seal at Bar Harbor this seventh day of March 2017.

## **Municipal Officers of the Town of Bar Harbor**

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Paul A. Paradis, Chair

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Gary Friedmann, Vice Chair

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Peter St. Germain

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Anne R. Greenlee

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Burt O. Barker

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J. Clark Stivers